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SUBJECT: TURKEY: AKP CLOSURE CASE UPDATE (3/25)

Classified By: Political Counselor Janice G. Weiner, reasons 1.4 (b),(d)
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11. (C) Summary and Comment: PM Erdogan, initially quick to claim that the closure case against his ruling Justice and Development Party (AKP) was a reaction against the government crackdown on the Ergenekon gang, has begun to defer to the prosecutor's denials as media increasingly portray the newest wave of Ergenekon arrests as vindictive payback for the closure case. Turkey's leading business association, in a pitch for political and economic stability, has called for calm. The nationalist opposition's draft proposal for amending the constitution to make party closure more difficult foresees lifetime bans on individual politicians -- a deliberate non-starter. End summary and comment.

The Ergenekon Link Denied

12. (U) Istanbul Chief Prosecutor Aykut Cengiz Engin denied reports that the Ergenekon investigation was linked to other ongoing court cases. He stated, "The Ergenekon investigation began in June 2007, and none of the operations carried out in the scope of this investigation, including the detentions made on March 21, 2008, had anything to do with any of the other cases that are currently in the public spotlight." He added that independent organs of the judiciary are carrying out their duties based on the law, and it is not credible that they are acting with ulterior motives or being influenced by any individual, group, or agency. He added that speculative news stories and commentaries are making it more difficult to conduct the investigation. He reminded that there is currently a ban on publishing news stories about the judicial process on Ergenekon. Responding to questions as to why, after nine months, no indictment has yet been issued, he stated that the process was complex and evidence voluminous, but that he was close to issuing an indictment.

13. (U) Prior to his departure for Bosnia, PM Erdogan referred to the prosecutor's statement and added, "If I were capable of doing everything, then I would have obstructed the closure case against my party."

14. (C) Media and opposition politicians have sharply criticized the government for the use of undue force against Friday's detainees, particularly Cumhuriyet Editor-in-Chief Ilhan Selcuk. CHP Deputy Group Chairman Hakki Suha Okay

claimed there is no doubt about Selcuk's loyalty to the Republic and Ataturk's principles and added that the 83-year old's being taken from his home at 4 a.m. and subjected to 11.5 hours of interrogation in 40 hours amounted to maltreatment -- even torture. Hurriyet columnist Sukru Kucuksahin told us that AKP's lack of reaction to this shoddy treatment showed that AKP is "democratic only for themselves."

AKP Claims MHP also in Prosecutor's Sights

15. (U) AKP Deputy Group Chairman Nihat Ergun, in a veiled warning to the Nationalist Action Party (MHP), said that the Court of Appeals Chief Prosecutor was also following MHP closely. It, too, had signed the constitutional amendments aimed at lifting the ban on headscarves in at university.

Top Business Group Calls for Calm

16. (U) The Turkish Industrialists' and Businessmen's Association (TUSIAD) came out against the constitutional amendment effort, saying it would only serve to deepen the problems and would be unethical. TUSIAD said in a March 24 statement that polarization is causing serious social trauma, amplified by and reactions and counter-reactions. It noted the opposition should produce political alternatives that would open the path of the country. All sides needed to act with common sense, the group said. TUSIAD called on all involved to respect three principles:

--Those who occupy Turkey's top offices need to be careful of what they say and how they say it;

--Amending the immunity law, the election system, and the political parties law is key to establishing participatory

ANKARA 00000563 002 OF 002

democracy; and

--All parties must show unconditional respect for the rule of law.

Dueling Proposals

17. (C) MHP is continuing to prepare its constitutional amendment package. Press reports the draft foresees a lifetime prohibition from politics for any politician who commits a crime that would be grounds for closing a party under the current law. Some media reports suggest that if MHP's amendments were accepted, 71 AKPers, including PM Erdogan, could face a lifetime ban from politics rather than the 5 years demanded by the Chief Prosecutor; AKP MP Salih Kapusuz dismissed that possibility, given the principle of Turkish law that holds any changes midstream cannot disadvantage those with an ongoing case. MHP leader Devlet Bahceli is expected to address his parliamentary group today.

18. (U) AKP officials were disappointed with MHP's proposal. AKP deputy group chairman Nihat Ergun told reporters that AKP desires compromise but if that is not possible, the party would put forth its own referendum. AKP will follow closely Bahceli's remarks to his parliamentary group today, and plans to introduce its constitutional amendment proposal later this week.

Commentary

19. (U) Ahmet Altan in "Taraf" asserted that some are trying to portray one of the sharpest fights Turkey has ever seen as a battle between secularism and religion, or secularism and AKP. The actual target is democracy and sabotaging Turkey's EU membership, not the AKP. By standing against Ergenekon, one is not defending AKP; one is defending democracy, the law, and Turkey's future. He acknowledged that AKPers do infuriating things, but added, "If you ask me, no political rage could be big enough to warrant abandoning democracy... Don't throw the baby out with the bathwater."

¶10. (U) Ali Bayramoglu in "Yeni Safak" alleged that it was apparent that the AKP closure case was linked with some articles published in daily "Cumhuriyet." He wrote that the power struggle should not prevent one from discussing the Ergenekon connection. He reminded that Generals Aytac Yaman and Sener Eruygur became members of the Cumhuriyet Newspaper Foundation after retirement and that these two generals, according to the leaked diaries of Admiral Ozden Ornek, were planning military coups during the AKP period.

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